

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

BARRY CARTER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ARISE VIRTUAL SOLUTIONS, INC. ,

Defendant.

Case No. 1:16-cv-6262

Honorable Sara L. Ellis

**JOINT STIPULATION AND [PROPOSED] ORDER TO STAY ACTION
PENDING INDIVIDUAL ARBITRATION AND TO STRIKE STATUS HEARING**

1. On February 2, 2017, this Court announced its decision to await the Supreme Court's decision in *Epic Systems Corp. v. Lewis* and the National Labor Relations Board's ("NLRB's") decision in *Matthew Rice v. Arise Virtual Solutions Inc.* before deciding Arise Virtual Solutions Inc. ("Arise's") Motion to Compel Arbitration (ECF No. 35) and Plaintiff Barry Carter ("Carter's") Motion for Conditional Certification (ECF No. 26).

2. On May 21, 2018, the United States Supreme Court announced its decision in *Epic Systems Corp. v. Lewis*, reversing *Epic Systems Corp.* and remanding for further proceedings consistent with the opinion.

3. On May 24, 2018, this Court issued a minute entry setting a status hearing for June 20, 2018 at 9:30am (ECF No. 69).

4. On June 7, 2018, counsel for Carter filed a demand for individual arbitration of Carter's allegations against Arise with the American Arbitration Association.

5. Counsel for Carter and Arise have conferred and agree that this action should be stayed pending resolution of the individual arbitration.

6. In light of this agreement, the parties believe it would conserve the resources of the Court and the parties to strike the status hearing currently scheduled for June 20, 2018.

STIPULATION

Based on the foregoing, the parties, by and through their respective counsel, hereby stipulate and request that the Court enter an Order staying this action pending the resolution of Carter's individual arbitration against Arise and striking the status hearing scheduled for June 20, 2018.

IT IS SO STIPULATED.

Dated: June 13, 2018

By: /s/ Shannon Liss-Riordan

Shannon Liss-Riordan, *pro hac vice*
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
sliss@llrlaw.com

James B. Zouras
Ryan F. Stephan
STEPHAN ZOURAS, LLP
205 N. Michigan Avenue, Suite 2560
Chicago, Illinois 60601
312-323-1550
312-323-1560
jzouras@stephanzouras.com
rstephan@stephanzouras.com

Attorneys for Plaintiff Barry Carter

By: /s/ Adam P. KohSweeney

Adam P. KohSweeney (CA Bar # 229983)
(*admitted pro hac vice*)
Ashley Brown (CA Bar # 292870)
(*admitted pro hac vice*)
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Telephone: (415) 984-8700
Facsimile: (415) 984-8701
E-mail: akohsweeney@omm.com
E-mail: abrown@omm.com

Larry S. Kaplan
KAPLAN, MASSAMILLO &
ANDREWS LLC
200 West Madison Street, 16th Fl.
Chicago, Illinois 60606
E-mail: lkaplan@kmalawfirm.com

***Attorneys for Defendant Arise Virtual
Solutions Inc.***

[PROPOSED] ORDER

IT IS HEREBY ORDERED that this action, *Carter v. Arise Virtual Solutions Inc.*, Case No. 1:16-cv-06262, is stayed pending resolution of Barry Carter's individual arbitration against Arise Virtual Solutions Inc. and that the status hearing scheduled for June 20, 2018 is stricken.

Honorable Sara L. Ellis
United States District Judge

ISSUED this _____ day of June, 2018

SIGNATURE ATTESTATION

Pursuant to the Northern District of Illinois' General Order On Electronic Case Filing, General Order 14-0009(IX)(C)(2), I hereby certify that authorization for the filing of this document has been obtained from each of the other signatories shown above and that all signatories concur in the filing's content.

Dated: June 13, 2018

By: /s/ Shannon Liss-Riordan

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that, on this 13th day of June, 2018, copies of the foregoing document and all exhibits thereto were filed with the Clerk of the Court through the CM/ECF system, which will send notification of such filing to all counsel of record at the email addresses on file with the Court.

By: /s/ Shannon Liss-Riordan